

1 PAUL R. RIEHLE (SBN 115199)  
2 paul.riehle@faegredrinker.com  
3 **FAEGRE DRINKER BIDDLE & REATH**  
4 **LLP**  
5 Four Embarcadero Center  
6 San Francisco, CA 94111  
7 Telephone: (415) 591-7500  
8 Facsimile: (415) 591-7510  
9  
10 CHRISTINE A. VARNEY (*pro hac vice*)  
11 cvarney@cravath.com  
12 KATHERINE B. FORREST (*pro hac vice*)  
13 kforrest@cravath.com  
14 GARY A. BORNSTEIN (*pro hac vice*)  
15 gbornstein@cravath.com  
16 YONATAN EVEN (*pro hac vice*)  
17 yeven@cravath.com  
18 LAUREN A. MOSKOWITZ (*pro hac vice*)  
19 lmoskowitz@cravath.com  
20 M. BRENT BYARS (*pro hac vice*)  
21 mbyars@cravath.com  
22 **CRAVATH, SWAINE & MOORE LLP**  
23 825 Eighth Avenue  
24 New York, New York 10019  
25 Telephone: (212) 474-1000  
26 Facsimile: (212) 474-3700  
27  
28 *Attorneys for Plaintiff and Counter-defendant Epic Games, Inc.*  
16 [Additional counsel appear on signature page]

1 THEODORE J. BOUTROUS JR. (SBN  
2 132099)  
3 tboutrous@gibsondunn.com  
4 RICHARD J. DOREN (SBN 124666)  
5 rdoren@gibsondunn.com  
6 DANIEL G. SWANSON (SBN 116556)  
7 dswanson@gibsondunn.com  
8 JAY P. SRINIVASAN (SBN 181471)  
9 jsrinivasan@gibsondunn.com  
10 **GIBSON, DUNN & CRUTCHER LLP**  
11 333 South Grand Avenue  
12 Los Angeles, CA 90071-3197  
13 Telephone: 213.229.7000  
14 Facsimile: 213.229.7520

15 VERONICA S. MOYE (*pro hac vice*)  
16 vlewis@gibsondunn.com  
17 **GIBSON, DUNN & CRUTCHER LLP**  
18 2100 McKinney Avenue, Suite 1100  
19 Dallas, TX 75201  
20 Telephone: 214.698.3100  
21 Facsimile: 214.571.2900

22 CYNTHIA E. RICHMAN (*pro hac vice*)  
23 crichman@gibsondunn.com  
24 **GIBSON, DUNN & CRUTCHER LLP**  
25 1050 Connecticut Avenue, N.W.  
26 Washington, DC 20036-5306  
27 Telephone: 202.955.8500  
28 Facsimile: 202.467.0539

15 *Attorneys for Defendant and Counterclaimant Apple Inc.*

18  
19 **UNITED STATES DISTRICT COURT**  
20  
21 **NORTHERN DISTRICT OF CALIFORNIA**  
22  
23 **OAKLAND DIVISION**

24 EPIC GAMES, INC.,  
25  
26 Plaintiff, Counter-defendant,  
27 vs.  
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25 APPLE INC.,  
26  
27 Defendant, Counterclaimant.

29 No. 4:20-CV-05640-YGR-TSH

30 **STIPULATION AND [PROPOSED]  
31 ORDER REGARDING MATERIALS  
32 RELIED UPON BY EXPERTS**

33 Hon. Yvonne Gonzalez Rogers

1 Pursuant to the Court's correspondence of May 8, 2021, directing that "[w]here the parties  
 2 agree on the admissibility of documents associated with each expert's testimony, please prepare a  
 3 written list of those documents for the court and the clerk of the court which will allow for the  
 4 efficient admission of the same," IT IS HEREBY STIPULATED, subject to the approval of the  
 5 Court:

6 The exhibits listed in the table below are admitted into evidence in connection with the  
 7 opinion(s) offered by the expert(s) identified, subject to: (a) the Court's standing orders on hearsay  
 8 and other evidentiary matters; (b) appropriate confidentiality designations, as proposed by the  
 9 parties on a per-exhibit basis; (c) the understanding that Rule 1006 summaries admitted in  
 10 connection with expert opinions provide a basis for those opinions and the parties will not object  
 11 to Rule 1006 summaries on the basis that the underlying materials have not been admitted into  
 12 evidence separately; and (d) the understanding that Drs. Evans, Athey, Hitt and Schmalensee may  
 13 rely on information not admitted into the record, consistent with Rule 703, and that the parties will  
 14 not object to those experts' reliance on such unadmitted materials within the scope of Rule 703  
 15 except as otherwise expressly set forth herein.

16 Apple reserves the right to object pursuant to Rule 703 to testimony by Dr. Evans in  
 17 reliance on the following sources:

- 18 1. Korea Bizwire, "Korean App Market ONE Store Eyes Global Alliance to Compete with  
 19 Google," December 1, 2019, <http://koreabizwire.com/korean-app-market-one-store-eyes-global-alliance-to-compete-with-google/148739>
- 20 2. Korea JoongAng Daily, "One Store gains ground in local Android app market," December  
 21 2, 2020, <https://koreajoongangdaily.joins.com/2020/12/02/business/industry/One-Store-app-market-Google/20201202175300439.html>

26 <b>Expert</b>	27 <b>Exhibit</b>	28 <b>Subject to sealing order or motion</b>
Schmalensee	DX-4626	N/A

1	Schmalensee	DX-3513	N/A
2	Schmalensee	DX-3122	Apple intends to request sealing
3	Schmalensee	DX-3258	N/A
4	Schmalensee	DX-4335	The Court has deferred consideration of sealing this document (Dkt. 564)
5	Schmalensee	DX-3067	N/A
6	Schmalensee	DX-3585	N/A
7	Schmalensee	DX-3746	Partially sealed (Dkt. 547)
8	Schmalensee	DX-3456	N/A
9	Schmalensee	DX-3390	N/A
10	Schmalensee	DX-3734	Partially sealed (Dkt. 564)
11	Schmalensee	DX-4094	Apple intends to request sealing
12	Schmalensee	DX-4275	N/A
13	Schmalensee	DX-3465	Apple intends to request sealing
14	Schmalensee	DX-4526	N/A
15	Schmalensee	DX-4089	Apple intends to request sealing
16	Schmalensee	DX-3800	N/A
17	Schmalensee	DX-3781	N/A
18	Schmalensee	DX-4623	N/A
19	Schmalensee	DX-4192	N/A
20	Schmalensee	DX-3900	N/A
21	Schmalensee	DX-3256	N/A
22	Schmalensee	DX-3905	N/A
23	Schmalensee	DX-4855	N/A
24	Schmalensee	DX-4856	N/A
25	Schmalensee	DX-4857	N/A
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1	Schmalensee	DX-4858	N/A
2	Schmalensee	DX-4859	N/A
3	Schmalensee	DX-4861	N/A
4	Schmalensee	DX-3796	N/A
5	Schmalensee	DX-4389	N/A
6	Schmalensee	DX-3202	N/A
7	Schmalensee	DX-3298	N/A
8	Schmalensee	DX-4922	N/A
9	Schmalensee	DX-3583	N/A
10	Schmalensee	DX-4434	N/A
11	Schmalensee	DX-3463	N/A
12	Schmalensee	DX-3505	N/A
13	Schmalensee	DX-3512	N/A
14	Schmalensee	DX-3055	N/A
15	Schmalensee	DX-4614	N/A
16	Hitt	DX-3084	N/A
17	Hitt	DX-3120	N/A
18	Hitt	DX-3174	Apple intends to request sealing
19	Hitt	DX-3221	N/A
20	Hitt	DX-3248	Apple intends to request sealing
21	Hitt	DX-3584	Sealed in full (Dkt. 547)
22	Hitt	DX-3598	Partially sealed (Dkt. 547)
23	Hitt	DX-3732	N/A
24	Hitt	DX-3814	N/A
25	Hitt	DX-3867	N/A
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1	Hitt	DX-3879	Sealed in full, Dkt. 547
2	Hitt	DX-3918	Partially sealed (Dkt. 564)
3	Hitt	DX-4170	Apple intends to request sealing
4	Hitt	DX-4199	Apple intends to request sealing
5	Hitt	DX-4217	N/A
6	Hitt	DX-4303	Partially sealed (Dkt. 547)
7	Hitt	DX-4310	Partially sealed (Dkt. 547)
8	Hitt	DX-4363	Epic intends to request sealing (Dkt. 596)
9	Hitt	DX-4389	N/A
10	Hitt	DX-4558	N/A
11	Hitt	DX-4641	Sealed in full (Dkt. 594)
12	Hitt	DX-4661	N/A
13	Hitt	DX-4757	N/A
14	Hitt	DX-4758	N/A
15	Hitt	DX-4759	N/A
16	Hitt	DX-4760	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
17	Hitt	DX-4761	N/A
18	Hitt	DX-4763	N/A
19	Hitt	DX-4765	N/A
20	Hitt	DX-4766	N/A
21	Hitt	DX-4767	N/A
22	Hitt	DX-4769	N/A
23	Hitt	DX-4770	N/A
24	Hitt	DX-4771	N/A
25	Hitt	DX-4773	N/A
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1	Hitt	DX-4774	N/A
2	Hitt	DX-4775	N/A
3	Hitt	DX-4777	N/A
4	Hitt	DX-4780	N/A
5	Hitt	DX-4782	N/A
6	Hitt	DX-4786	N/A
7	Hitt	DX-4787	N/A
8	Hitt	DX-4792	N/A
9	Hitt	DX-4793	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
10	Hitt	DX-4794	Apple intends to request sealing
11	Hitt	DX-4795	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
12	Hitt	DX-4796	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
13	Hitt	DX-4797	Apple intends to request sealing
14	Hitt	DX-4798	N/A
15	Hitt	DX-4800	Partially sealed (Dkt. 564); Epic intends to request sealing
16	Hitt	DX-4802	N/A
17	Hitt	DX-4803	N/A
18	Hitt	DX-4806	N/A
19	Hitt	DX-4807	Apple intends to request sealing
20	Hitt	DX-4808	N/A
21	Hitt	DX-4809	Apple intends to request sealing
22	Hitt	DX-4810	N/A
23	Hitt	DX-4811	N/A
24	Hitt	DX-4812	N/A
25	Hitt	DX-4813	N/A
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1	Hitt	DX-4815	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
2	Hitt	DX-4816	N/A
3	Hitt	DX-4817	N/A
4	Hitt	DX-4818	N/A
5	Hitt	DX-4819	N/A
6	Hitt	DX-4822	N/A
7	Hitt	DX-4823	N/A
8	Hitt	DX-4824	N/A
9	Hitt	DX-5322	Partially sealed (Dkt. 547)
10	Hitt	DX-5326	Partially sealed (Dkt. 547)
11	Hitt	DX-5335	N/A
12	Evans	DX-3877	N/A
13	Evans	DX-3922	N/A
14	Evans	DX-4024	N/A
15	Evans	DX-4200	Partially sealed (Dkt. 526)
16	Evans	DX-4649	N/A
17	Evans	PX-0133	N/A
18	Evans	PX-0428	N/A
19	Evans	PX-0523	N/A
20	Evans	PX-0526	Apple intends to request sealing
21	Evans	PX-0747	Apple intends to request sealing
22	Evans	PX-1047	Apple intends to request sealing
23	Evans	PX-1049	Apple intends to request sealing
24	Evans	PX-1050	Apple intends to request sealing
25	Evans	PX-1054	N/A
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1	Evans	PX-1055	N/A
2	Evans	PX-1056	N/A
3	Evans	PX-1057	N/A
4	Evans	PX-1059	N/A
5	Evans	PX-1061	N/A
6	Evans	PX-1066	Apple intends to request sealing
7	Evans	PX-1069	N/A
8	Evans	PX-1070	N/A
9	Evans	PX-1074	N/A
10	Evans	PX-1075	N/A
11	Evans	PX-1076	N/A
12	Evans	PX-1077	Apple intends to request sealing
13	Evans	PX-1078	N/A
14	Evans	PX-1079	N/A
15	Evans	PX-1080	N/A
16	Evans	PX-1084	N/A
17	Evans	PX-2001	N/A
18	Evans	PX-2031	N/A
19	Evans	PX-2048	N/A
20	Evans	PX-2065	N/A
21	Evans	PX-2093	N/A
22	Evans	PX-2109	N/A
23	Evans	PX-2116	Apple intends to request sealing
24	Evans	PX-2123	N/A
25	Evans	PX-2126	Apple intends to request sealing
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1	Evans	PX-2142	Apple intends to request sealing
2	Evans	PX-2176	Apple intends to move to seal
3	Evans	PX-2189	N/A
4	Evans	PX-2217	N/A
5	Evans	PX-2218	N/A
6	Evans	PX-2280	N/A
7	Evans	PX-2296	N/A
8	Evans	PX-2300	N/A
9	Evans	PX-2325	N/A
10	Evans	PX-2326	Apple intends to request sealing
11	Evans	PX-2328	Apple intends to request sealing
12	Evans	PX-2333	Apple intends to request sealing
13	Evans	PX-2365	N/A
14	Evans	PX-2385	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 548)
15	Evans	PX-2392	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
16	Evans	PX-2477	Partially sealed (Dkt. 564)
17	Evans	PX-2557	N/A
18	Evans	PX-2558	N/A
19	Athey	PX-0405	N/A
20	Athey	PX-0892	N/A

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2 Dated: May 11, 2021

3 CRAVATH, SWAINE & MOORE LLP  
4 Christine A. Varney (*pro hac vice*)  
5 Katherine B. Forrest (*pro hac vice*)  
6 Gary A. Bornstein (*pro hac vice*)  
7 Yonatan Even (*pro hac vice*)  
8 Lauren A. Moskowitz (*pro hac vice*)  
9 M. Brent Byars (*pro hac vice*)

10 FAEGRE DRINKER RIDDLE & REATH  
11 LLP

12 Paul J. Riehle

13 By: /s/ Justin C. Clark

14 Justin C. Clark  
15 825 Eighth Avenue  
16 New York, New York 10019  
17 Telephone: (212) 474-1000

18 *Attorneys for Plaintiff and  
19 Counter-defendant Epic Games, Inc.*

20 Dated: May 11, 2021

21 GIBSON, DUNN & CRUTCHER LLP  
22 Theodore J. Boutrous Jr.  
23 Richard J. Doren  
24 Daniel G. Swanson  
25 Jay P. Srinivasan  
26 Mark A. Perry  
27 Veronica S. Moye  
28 Cynthia E. Richman  
Jay P. Srinivasan

29 By: /s/ Rachel S. Brass

30 Rachel S. Brass  
31 555 Mission Street, Suite 3000  
32 San Francisco, CA 94105-0921  
33 (415) 393-8200

34 *Attorneys for Defendant and  
35 Counterclaimant Apple Inc.*

1 **PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO**  
2 **ORDERED.**

3 DATED: \_\_\_\_\_

4 HON. YVONNE GONZALEZ ROGERS  
5 United States District Court Judge

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## **ECF SIGNATURE ATTESTATION**

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

Dated: May 11, 2021

## GIBSON, DUNN & CRUTCHER LLP

By: /s/ Rachel S. Brass  
Rachel S. Brass

Rachel S. Brass

*Attorney for Defendant and  
Counterclaimant Apple Inc.*